

1 SQUIRE, SANDERS & DEMPSEY L.L.P.
Mark C. Goodman (Cal. State Bar No. 154692)
2 Amy E. Rose (Cal. State Bar No. 222167)
Ann J. Lee (Cal. State Bar No. 236501)
3 One Maritime Plaza, Suite 300
San Francisco, CA 94111-3492
4 Telephone: +1.415.954.0200
Facsimile: +1.415.393.9887
5 Email: mgoodman@ssd.com
Email: arose@ssd.com
6 Email: ajlee@ssd.com

7 Attorneys for Defendant
UNITED STATES FIRE INSURANCE COMPANY
8
9

10 IN THE UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 (OAKLAND DIVISION)
13

14 LENSRAFTERS, INC.; and EYEXAM
OF CALIFORNIA, INC.;

15 Plaintiffs,
16

17 vs.

18 LIBERTY MUTUAL FIRE INSURANCE
COMPANY; EXECUTIVE RISK
19 SPECIALTY INSURANCE COMPANY;
UNITED STATES FIRE INSURANCE
20 COMPANY; MARKEL AMERICAN
INSURANCE COMPANY; and
21 WESTCHESTER FIRE INSURANCE
COMPANY,

22 Defendants.
23
24
25
26
27
28

Case No. C-07-2853 SBA
The Honorable Sandra B. Armstrong

E-FILING

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF UNITED STATES FIRE
INSURANCE COMPANY'S MOTION TO
DISMISS OR, IN THE ALTERNATIVE,
STAY ACTION IN FAVOR OF PRIOR-
PENDING NEW YORK STATE COURT
ACTION**

Date: September 11, 2007
Time: 1:00 p.m.
Courtroom: 3

1 Defendant United States Fire Insurance Company (“U.S. Fire”), by and through its
2 counsel, hereby requests the Court to take judicial notice pursuant to Federal Rule of Evidence
3 201 of the following facts:

4 1. Defendant U.S. Fire filed a parallel state court complaint on May 24, 2007 in the
5 Supreme Court of the State of New York, County of New York, *United States Fire Insurance*
6 *Company v. Luxottica U.S. Holdings Corp., et al.* (New York Supreme Court Case No.
7 07/07338), a copy of which is attached hereto as Exhibit 1.

8
9 Dated: July 18, 2007

SQUIRE, SANDERS & DEMPSEY L.L.P.

10
11 By: /s/ Amy E. Rose

Amy E. Rose

12 Attorneys for Defendant
13 UNITED STATES FIRE INSURANCE
14 COMPANY
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One Maritime Plaza, Third Floor, San Francisco, California 94111-3492.

On July 18, 2007, I served the following document described as:

UNITED STATES FIRE INSURANCE COMPANY'S REQUEST FOR JUDICIAL NOTICE

☒ VIA THE UNITED STATES DISTRICT COURT ELECTRONIC FILING SERVICE on interested parties in this action as set forth below:

Richard DeNatale, Esq.
Celia M. Jackson, Esq.
Heller Ehrman LLP
333 Bush Street
San Francisco, CA 94104-2878
Telephone: (415) 772-6000
Facsimile: (415) 772-6268

Terrence R. McInnis, Esq.
Ross, Dixon & Bell, LLP
5 Park Plaza, Suite 1200
Irvine, CA 92614
Telephone: (949) 622-2700
Facsimile: (949) 622-2739

Alex F. Stuart, Esq.
Willoughby, Stuart & Bening
Fairmont Plaza
50 West San Fernando, Suite 400
San Jose, CA 95113
Telephone: (408) 289-1972
Facsimile: (408) 295-6375

Robert D. Dennison, Esq.
Harris, Green & Dennison
5959 W. Century Blvd., Suite 1100
Los Angeles, CA 90045
Telephone: (310) 665-8656
Facsimile: (310) 665-8659
rdd@h-glaw.net

Chip Cox, Esq.
Long & Levitt
465 California Street, 5th Floor
San Francisco, CA 94104
Telephone: (415) 438-4413
Facsimile: (415) 397-6392
chipc@longlevit.com

Executed on July 18, 2007, at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Agnes Gacayan
Agnes Gacayan